



House of Representatives

General Assembly

File No. 627

February Session, 2024

Substitute House Bill No. 5448

House of Representatives, April 30, 2024

The Committee on Judiciary reported through REP. STAFSTROM of the 129th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING SECURITY OF CERTAIN ELECTION WORKERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 1-217 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2024*):

3 (a) No public agency may disclose, under the Freedom of Information
4 Act, from its personnel, medical or similar files, the residential address
5 of any of the following persons employed by such public agency:

6 (1) A federal court judge, federal court magistrate, judge of the
7 Superior Court, Appellate Court or Supreme Court of the state, or
8 family support magistrate;

9 (2) A sworn member of a municipal police department, a sworn
10 member of the Division of State Police within the Department of
11 Emergency Services and Public Protection or a sworn law enforcement
12 officer within the Department of Energy and Environmental Protection;

- 13 (3) An employee of the Department of Correction;
 - 14 (4) An attorney-at-law who represents or has represented the state in
15 a criminal prosecution;
 - 16 (5) An attorney-at-law who is or has been employed by the Division
17 of Public Defender Services or a social worker who is employed by the
18 Division of Public Defender Services;
 - 19 (6) An inspector employed by the Division of Criminal Justice;
 - 20 (7) A firefighter;
 - 21 (8) An employee of the Department of Children and Families;
 - 22 (9) A member or employee of the Board of Pardons and Paroles;
 - 23 (10) An employee of the judicial branch;
 - 24 (11) An employee of the Department of Mental Health and Addiction
25 Services who provides direct care to patients;
 - 26 (12) A member or employee of the Commission on Human Rights
27 and Opportunities; or
 - 28 (13) A state marshal appointed by the State Marshal Commission
29 pursuant to section 6-38b.
- 30 (b) The business address of any person described in this section shall
31 be subject to disclosure under section 1-210. The provisions of this
32 section shall not apply to Department of Motor Vehicles records
33 described in section 14-10.
- 34 (c) (1) Except as provided in subsections (a) and [(d)] (e) of this
35 section, no public agency may disclose the residential address of any
36 person listed in subsection (a) of this section from any record described
37 in subdivision (2) of this subsection that is requested in accordance with
38 the provisions of said subdivision, regardless of whether such person is
39 an employee of the public agency, provided such person has (A)

40 submitted a written request for the nondisclosure of the person's
41 residential address to the public agency, and (B) furnished his or her
42 business address to the public agency.

43 (2) Any public agency that receives a request for a record subject to
44 disclosure under this chapter where such request (A) specifically names
45 a person who has requested that his or her address be kept confidential
46 under subdivision (1) of this subsection, shall make a copy of the record
47 requested to be disclosed and shall redact the copy to remove such
48 person's residential address prior to disclosing such record, (B) is for an
49 existing list that is derived from a readily accessible electronic database,
50 shall make a reasonable effort to redact the residential address of any
51 person who has requested that his or her address be kept confidential
52 under subdivision (1) of this subsection prior to the release of such list,
53 or (C) is for any list that the public agency voluntarily creates in
54 response to a request for disclosure, shall make a reasonable effort to
55 redact the residential address of any person who has requested that his
56 or her address be kept confidential under subdivision (1) of this
57 subsection prior to the release of such list.

58 (3) Except as provided in subsection (a) of this section, an agency shall
59 not be prohibited from disclosing the residential address of any person
60 listed in subsection (a) of this section from any record other than the
61 records described in subparagraphs (A) to (C), inclusive, of subdivision
62 (2) of this subsection.

63 (d) (1) Except as provided in subsections (a) and (e) of this section and
64 subject to the provisions of subdivisions (2) and (3) of this subsection,
65 no public agency of a municipality may disclose, under the Freedom of
66 Information Act, from a public record, including any record described
67 in subdivision (2) of subsection (c) of this section, the residential address
68 of any person who is a municipal clerk, registrar of voters, deputy
69 registrar of voters, election official described in section 9-258, primary
70 official described in section 9-436 or audit official described in section 9-
71 320f, regardless of whether such person is an employee of the public
72 agency, provided such person has (A) submitted a written request for

73 the nondisclosure of the person's residential address to the public
74 agency, and (B) furnished (i) his or her business address to the public
75 agency, or (ii) if such person does not have a business address, the
76 address of the town or city hall or the municipal building in which the
77 office of the registrars of voters of such municipality is located.

78 (2) (A) If a person submits a written request described in subdivision
79 (1) of this subsection prior to the ninetieth day preceding an election, the
80 prohibition in said subdivision against disclosing such person's
81 residential address shall take effect on the ninetieth day preceding such
82 election and shall expire on the ninetieth day following such election.

83 (B) If a person submits a written request described in subdivision (1)
84 of this subsection on or after the ninetieth day preceding an election, the
85 prohibition in said subdivision against disclosing such person's
86 residential address shall take effect upon such submission and shall
87 expire on the ninetieth day following such election.

88 (3) The provisions of this subsection shall not be construed to prohibit
89 the disclosure of the residential address of any person described in
90 subdivision (1) of this subsection in the case where such residential
91 address appears on a public record by virtue of such person holding any
92 elective or appointive state or municipal office other than municipal
93 clerk, registrar of voters or deputy registrar of voters.

94 ~~[(d)]~~ (e) The provisions of this section shall not be construed to
95 prohibit the disclosure without redaction of any document, as defined
96 in section 7-35bb, any list prepared under title 9, or any list published
97 under section 12-55.

98 ~~[(e)]~~ (f) No public agency or public official or employee of a public
99 agency shall be penalized for violating a provision of this section, unless
100 such violation is wilful and knowing. Any complaint of such a violation
101 shall be made to the Freedom of Information Commission. Upon receipt
102 of such a complaint, the commission shall serve upon the public agency,
103 official or employee, as the case may be, by certified or registered mail,
104 a copy of the complaint. The commission shall provide the public

105 agency, official or employee with an opportunity to be heard at a
106 hearing conducted in accordance with the provisions of chapter 54,
107 unless the commission, upon motion of the public agency, official or
108 employee or upon motion of the commission, dismisses the complaint
109 without a hearing if it finds, after examining the complaint and
110 construing all allegations most favorably to the complainant, that the
111 public agency, official or employee has not wilfully and knowingly
112 violated a provision of this section. If the commission finds that the
113 public agency, official or employee wilfully and knowingly violated a
114 provision of this section, the commission may impose against such
115 public agency, official or employee a civil penalty of not less than twenty
116 dollars nor more than one thousand dollars. Nothing in this section shall
117 be construed to allow a private right of action against a public agency,
118 public official or employee of a public agency.

119 Sec. 2. Section 9-364a of the general statutes is repealed and the
120 following is substituted in lieu thereof (*Effective July 1, 2024*):

121 (a) As used in this section, "election worker" means any municipal
122 clerk, registrar of voters, deputy registrar of voters, election official
123 described in section 9-258, primary official described in section 9-436 or
124 recanvass official described in section 9-311, and "personal identifying
125 information" has the same meaning as provided in section 53a-129a.

126 (b) Any person who influences or attempts to influence by force or
127 threat the vote, or by force, threat, bribery or corrupt means, the speech,
128 of any other person [in] at a primary, caucus, referendum, convention
129 or election; [or] any person who influences or attempts to influence by
130 force, threat or harassment any election worker in the performance of
131 any duty under the provisions of this title related to election
132 administration at a primary, referendum, election or recanvass; any
133 person who wilfully and fraudulently suppresses or destroys any vote
134 or ballot properly given or cast or, in counting such votes or ballots,
135 wilfully miscounts or misrepresents the number thereof; and any
136 presiding or other officer of a primary, caucus or convention who
137 wilfully announces the result of a ballot or vote of such primary, caucus

138 or convention, untruly and wrongfully, shall be guilty of a class C
139 felony.

140 (c) Any person who, with intent to harass, terrorize or alarm any
141 election worker, or to influence any election worker in the performance
142 of any duty under this title related to election administration at a
143 primary, referendum, election or recanvass, publicly discloses the
144 personal identifying information of such election worker shall be guilty
145 of a class A misdemeanor;

146 (d) Any election worker described in subsection (b) or (c) of this
147 section, as applicable, shall have a civil cause of action against the
148 person who, with respect to such election worker, violated said
149 subsection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2024	1-217
Sec. 2	July 1, 2024	9-364a

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 25 \$	FY 26 \$
Judicial Dept. (Probation); Correction, Dept.	GF - Potential Cost	Minimal	Minimal
Resources of the General Fund	GF - Potential Revenue Gain	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill makes a variety of changes related to security of election workers and results in the fiscal impacts described below.

Section 1 expands protections from personal address disclosure to municipal town clerks, registrar of voters, and election officials from within a narrow timeframe around elections and results in no fiscal impact to the state or municipalities.

Section 2 expands an existing class C felony to include influencing or attempting to influence an election worker¹ and creates a new class A misdemeanor for publicly disclosing an election worker's personal information. This results in a potential cost to the Department of Correction and the Judicial Department for incarceration or probation and a potential revenue gain to the General Fund from fines. On average, the marginal cost to the state for incarcerating an offender for

¹Since FY 14, there have not been any charges under CGS 9-364a.

the year is \$3,300² while the average marginal cost for supervision in the community is less than \$800³ each year for adults and \$1,000 each year for juveniles.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations.

²Inmate marginal cost is based on increased consumables (e.g., food, clothing, water, sewage, living supplies, etc.). This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

³Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

OLR Bill Analysis**sHB 5448****AN ACT CONCERNING SECURITY OF CERTAIN ELECTION WORKERS.****SUMMARY**

This bill allows certain election workers to temporarily stop municipal public agencies from disclosing their residential addresses from public records under the state Freedom of Information Act (FOIA). It prohibits the agencies from disclosing this information for up to 90 days before and after an election contest, if requested by the worker.

Additionally, the bill explicitly criminalizes the harassment of election workers while they are performing their election duties and specifies that these workers have a civil cause of action against a harasser.

Lastly, the bill makes conforming changes.

EFFECTIVE DATE: July 1, 2024

§ 1 — NONDISCLOSURE OF ELECTION WORKERS' RESIDENTIAL ADDRESSES

The bill prohibits municipal public agencies from disclosing under FOIA the residential address of certain election-related workers (i.e., municipal clerks; registrars or deputy registrars of voters; poll workers; or election, primary, or audit officials) if the worker requests it. Specifically, the worker must give a municipal public agency a written nondisclosure request and a substitute business address (or, if he or she does not have one, the business address of the town or city hall, or the municipality's registrars of voters). Under the bill, these workers' business addresses are subject to disclosure under FOIA. The disclosure prohibition begins 90 days before the election contest or, if already

within that period, the day the worker submits the request. The prohibition lasts for 90 days after the contest.

Under the bill, these provisions:

1. apply regardless of whether the requesting election worker is the public agency's employee;
2. do not prohibit disclosure of a residential address due to the applicant's status as an elected or appointed official (except if serving as a town clerk, registrar of voters, or deputy registrar of voters);
3. do not apply to certain (a) Department of Motor Vehicles records and (b) municipal and election-related documents (e.g., municipal grand lists, land records, preliminary and final voter registry lists, petition forms, and logs of absentee ballot applications); and
4. do not affect a worker's ability to qualify for nondisclosure of his or her residential address under existing law's protections for certain public agency employees.

Existing law (1) generally prohibits a public agency from disclosing under FOIA the residential address of certain employees (e.g., judges, police officers, and firefighters, among others) from its personnel, medical, or similar files; (2) allows these employees to also request address confidentiality from public agencies that are not their employer; and (3) requires agencies to follow certain procedures after receiving a FOIA request for certain records containing these people's home addresses.

Violations of Disclosure Prohibition

The bill extends existing law's provisions on violating a disclosure prohibition to also cover the bill's prohibition on municipal public agencies disclosing election worker addresses. Under this law, public agencies or their employees and public officials cannot be penalized for

violating the disclosure prohibition unless the Freedom of Information Commission (FOIC) finds that the violation was willful and knowing. Complaints about these violations must be made to the FOIC, which must hold a hearing under the Uniform Administrative Procedure Act for each complaint. However, it may dismiss a complaint without a hearing if it finds no willful and knowing violation after examining it and construing all allegations most favorably to the complainant.

If the FOIC finds a willful and knowing violation, it may impose a civil penalty of between \$20 and \$1,000 against the agency, official, or employee. Existing law does not allow a private right of action against public agencies or their employees and public officials for violating the disclosure prohibition.

§ 2 — HARASSMENT OF POLL WORKERS

The bill makes it a class C felony (i.e., punishable by up to 10 years in prison, a \$10,000 fine, or both) to influence or attempt to influence through force, threat, or harassment an election worker performing election administration duties. This applies to town clerks, registrars of voters, deputy registrars, and election, primary, and recanvass officials.

Additionally, the bill makes it a class A misdemeanor (i.e., punishable by up to 364 days in prison, a \$2,000 fine, or both) to publicly disclose an election worker's personal identifying information with the intent to harass, terrorize, or alarm the worker or influence them in performing his or her election administration duties. "Personal identifying information" is any name, number, or other information that may be used to identify a specific individual, (e.g., name, date of birth, and Social Security number).

The bill gives election workers a civil cause of action against violators of either provision.

Existing law criminalizes certain acts of harassment and intimidation. For example, 2nd degree harassment (i.e., various actions with the intent to harass, terrorize, or alarm another person) is a class C misdemeanor, while 1st degree harassment (i.e., certain threats to kill or physically

harm a person) is a class D felony (CGS §§ 53a-182b & -183).

BACKGROUND

Legislative History

The House referred the bill (File 414) to the Judiciary Committee, which reported a substitute that removed provisions making it a crime to possess a firearm or deadly weapon near an election site.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 13 Nay 6 (03/22/2024)

Judiciary Committee

Joint Favorable Substitute

Yea 32 Nay 3 (04/22/2024)